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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,547	12/12/2003	Damon S. Arney	9148-3	4606

7590

09/08/2006

Woodard, Emhardt, Moriarty,  
McNett & Henry LLP  
Bank One Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, IN 46204-5137

EXAMINER

EPPS, TODD MICHAEL

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/735,547		ARNEY, DAMON S.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Todd M. Epps		3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 22 is/are pending in the application.
- 4a) Of the above claim(s) 12-21, and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/12/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/19/04 -n- 2/7/06</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This is the first Office Action for serial number 10/735,547, Method And Apparatus For Displaying A Wine Cork, filed on December 12, 2003.

### ***Election/Restrictions***

Applicant's election without traverse of group 2, claims 1-11, and 22 in the reply filed on August 18, 2006 is acknowledged.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-11, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Design Patent No. 425,375 to Parham.

Parham '375 discloses a bottle holder comprising a base and a pair of sidewalls; wherein a base combines with a pair of sidewalls to form a trough; wherein a trough has a cross-sectional shape of a "U", wherein a display holder further includes at least one end wall, and wherein a trough slopes downward from a first end of a trough to a second end of a trough. However, Parham '375 reveals the previous invention failing to specifically teach wherein at least one of a pair of sidewalls has a length of between

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0.25 inches and 4.0 inches, and wherein a pair of sidewalls is spaced between 0.5 inches and 1.5 inches apart.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have at least one of a pair of sidewalls with a length of between 0.25 inches and 4.0 inches, and wherein a pair of sidewalls is spaced between 0.5 inches and 1.5 inches apart wherein doing so would provide thereof a superior support of a wine bottle attached to the surface of a display holder.

Further, Parham '375 reveals the previous invention failing to specifically teach in a method of displaying a used wine cork. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use it as a method of displaying a used wine cork wherein doing so would provide thereof an additional support as to be perchance with enhancement of the appearance of the display holder.

Claims 1, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Design Patent No. 439,671 to Casillo et al (Casillo).

Cassillo '671 discloses a bottle holder comprising a base and a pair of sidewalls; wherein a base combines with a pair of sidewalls to form a trough; wherein a trough has a cross-sectional shape of a "U", and wherein a trough slopes downward from a first end of a trough to a second end of a trough. However, Cassillo '671 reveals the previous invention failing to specifically teach in a method of displaying a used wine cork. Accordingly, it would have been obvious to one of ordinary skill in the art at the

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time the invention was made to use it as a method of displaying a used wine cork wherein doing so would provide thereof an additional support as to be perchance with enhancement of the appearance of the display holder.

Claims 1, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 4,023,681 to Plant.

Plant '681 discloses a bottle holder comprising a base and a pair of sidewalls; wherein a base combines with a pair of sidewalls to form a trough; wherein a trough has a cross-sectional shape of a "V". However, Plant '681 reveals the previous invention failing to specifically teach in a method of displaying a used wine cork. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use it as a method of displaying a used wine cork wherein doing so would provide thereof an additional support as to be perchance with enhancement of the appearance of the display holder.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,832,744 to Pitt

U.S. Patent No. 6,003,693 to Blickenstaff

The above references disclose a structure similar to the applicant's invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Todd M. Epps  
Patent Examiner  
Art Unit 3632  
August 31, 2006



Joey Wujciak  
Primary Examiner  
Art Unit 3632